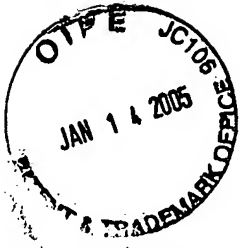


93 B/IFW 36B



Docket No.: 219973US3

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

GREGORY J. MAIER  
(703) 413-3000  
GMAIER@OBLON.COM

AKIHIRO YAMAZAKI  
(703) 413-3000  
AYAMAZAKI@OBLON.COM

RE: Application Serial No.: 10/080,709

Applicants: Katsunari OHSONO, et al.

2<sup>ND</sup> RCE Filing Date: November 25, 2003

For: CASK

Group Art Unit: 3641

Examiner: PALABRICA, R. J.

SIR:

Attached hereto for filing are the following papers:

**Petition under 37 C.F.R. §1.181(a)(3)**

**Facsimile Cover Letter of 2/20/2004 (copy)**

**Filing Receipt of 2/3/2003 (copy)**

**Request for Continued Examination (RCE) Transmittal filed 2/3/2003 (copy)**

**Information Disclosure Statement filed 2/3/2003 (copy)**

**PTO Form-1449 filed 2/3/2003 (copy)**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Gregory J. Maier

Registration No. 25,599

Customer Number

**22850**

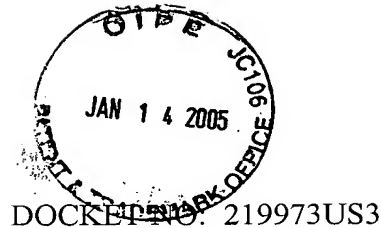
(703) 413-3000 (phone)

(703) 413-2220 (fax)

I:\USER\MDAVI\219973\SHV CV\_181.DOC

Akihiro Yamazaki

Registration No. 46,155



DOCKET NO: 219973US3

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

IN RE APPLICATION OF : DATE ALLOWED: FEBRUARY 4, 2004  
KATSUNARI OHSONO, ET AL. : EXAMINER: PALABRICA, R. J.  
SERIAL NO: 10/080,709 :  
2<sup>ND</sup> RCE FILED: NOVEMBER 25, 2003 : GROUP ART UNIT: 3641  
FOR: CASK :

**PETITION UNDER 37 C.F.R. § 1.181(a)(3)**

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

This is a Petition pursuant to 37 C.F.R. § 1.181(a)(3) requesting that the Examiner be instructed by the Commissioner or his representative to withdraw the 3<sup>RD</sup> Request for Continued Examination (RCE) dated February 20, 2004, and actions subsequent to the 3<sup>RD</sup> RCE, including the 2<sup>ND</sup> Notice of Allowance dated July 19, 2004, from the file history of the present application.

**STATEMENT OF FACTS**

On February 20, 2004, in response to Applicants' request for an acknowledgement of the IDS filed previously on February 3, 2003, Examiner Palabrica instructed Applicants' representative to fax a copy of the IDS. In accordance with the Examiner's instruction, as clearly indicated on the fax cover sheet transmitted to the Examiner on February 20, 2004, a copy of the documents filed on February 3, 2003, including the IDS, filing receipt and RCE transmittal, was sent to the Examiner via the fax. However, the PTO mistakenly assumed

that Applicants submitted a new filing for an RCE, and has entered on the PTO records an RCE on February 20, 2004.

POINT FOR REVIEW

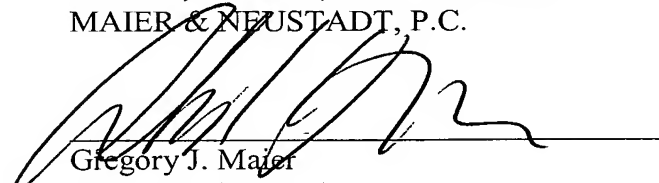
The point for review is why an RCE has been entered on February 20, 2004 even though Applicants clearly indicated that the fax is directed to a copy of the documents filed on February 3, 2003. As evidenced from the attached copy of the documents, only a copy of the IDS, filing receipt and RCE transmittal filed on February 3, 2003, was sent to the Examiner for the purpose of the acknowledgement of the IDS via the fax on February 20, 2004, and the cover sheet clearly indicates as such.

ACTION REQUESTED

In light of the above, it is respectfully requested that the Examiner be directed to withdraw the 3<sup>RD</sup> RCE dated February 20, 2004, and actions subsequent to the 3<sup>RD</sup> RCE, including the 2<sup>ND</sup> Notice of Allowance dated July 19, 2004, from the file history of the present application.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



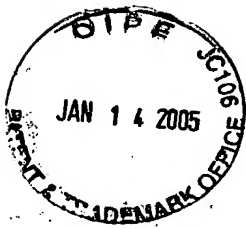
Gregory J. Maier  
Attorney of Record  
Registration No. 25,599

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

Akihiro Yamazaki  
Registration No. 46,155

GJM/AY/GS:mda  
I:\ATTY\GS\21S\219973\1.181 PET\_FILED.DOC



ATTORNEYS AT LAW

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Date: February 20, 2004

Signature: [Signature]

Attorney

To: Examiner: Mr. Ricardo J. PALABRICA

Telephone Number: 306-5756

Group Art Unit: 3641

703-872-9306 (Official)

Facsimile No.: 703-305-0285 (Direct)

From: Go Sayamoto (or Miyako Davidson)

Registration No.: \_\_\_\_\_

Telephone Number: 703-412-2935

Date: February 20, 2004

RE: U.S. Application Serial Number: 10/080,709

Filed: February 25, 2002

Attorney Docket Number: 219973US3

TOTAL NUMBER OF PAGES INCLUDING THIS PAGE: 5

### COMMENTS

Mr. Palebrica,

Further to our phone conversation, transmitted herewith is a copy of the PTO Form-1449, along with IDS and our Filing Receipt. Please initial Form-1449 and fax it to us (Fax: 703-413-2220, Attn: Go Sayamoto) as soon as possible.

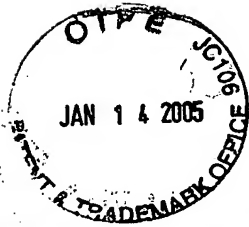
Regards,

Miyako Davidson

For Go Sayamoto

In the event that any fees are due, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge the required fees to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 CFR 1.136 for the necessary extension of time.

COPY



E

✓ OSMM&N File No. 219973US3

Dept.: E/M

By: GJM/RTP/AY/jmp

✓ Serial No. 10/080,709

✓ In the matter of the Application of: Katsunari OHSONO, et al.

✓ For: CASK

✓ Due Date: 02/02/03

The following has been received in the U.S. Patent Office on the date stamped hereon

✓ ☒ RCE

✓ ☒ Check for \$860.00

☐ Dep. Acct. Order Form

✓ ☒ Information Disclosure Statement

☒ PTO-1449

✓ ☒ Cited Reference (1)

✓ ☒ Japanese Office Action

✓ ☒ Petition for Extension of Time 1 month



COPY

JAN 14 2005

Docket No.: 219973US-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: KATSUNARI OHSONO, ET AL.

GAU: 3641

SERIAL NO: 10/080,709

EXAMINER: PALABRICA, R.

FILED: FEBRUARY 25, 2002

FOR: CASK

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

This is a request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

Submission required under 37 C.F.R. §1.114

*Previously Submitted:*

- ☒ Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on December 31, 2002
- ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on

*Enclosed:*

- ☐ Amendment/Reply
- ☒ Information Disclosure Statement (IDS)
- ☒ Other: PTO Form 1449, Petition for Extension of Time (1 month)

FEES	RATE	CALCULATIONS
<input type="checkbox"/> Suspension of action on the above-identified application is requested under 37 C.F.R. §1.103(c) for a period of months.	\$130.00	\$0.00
<input checked="" type="checkbox"/> RCE Fee required under 37 C.F.R. §1.17(e)	\$750.00	\$750.00
<input type="checkbox"/>		
<input type="checkbox"/>		\$0.00
TOTAL OF ABOVE CALCULATIONS:		\$750.00
<input type="checkbox"/> REDUCTION BY 50% FOR FILING AS SMALL ENTITY		\$0.00
TOTAL:		\$750.00

☒ A check in the amount of \$860.00 is enclosed

☒ Please charge any additional Fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

☒ If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 CFR 1.136, and any additional fees required under 37 CFR 1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate of this sheet is enclosed.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

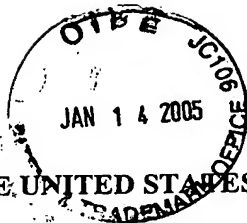


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Customer Number 22850  
Tel. (703) 413-3000  
Fax. (703) 413-2220

Gregory J. Maier  
Registration No. 25,599  
Robert T. Pous  
Registration No. 29,099

Docket No. 219973US-3



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: KATSUNARI OHSONO, ET AL.  
SERIAL NO: 10/080,709  
RCE FILED: HEREWITH  
FOR: CASK

GAU: 3641  
EXAMINER: PALABRICA, R.

**INFORMATION DISCLOSURE/RELATED CASE STATEMENT UNDER 37 CFR 1.97**

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

Applicant(s) wish to disclose the following information.

**REFERENCES**

- ☒ The applicant(s) wish to make of record the reference cited in the Japanese Office Action and which is listed on the attached form PTO-1449. Copy of the listed reference is attached, where required, as are either statements of relevancy or any readily available English translations of pertinent portions of any non-English language references.
- ☐ A check is attached in the amount required under 37 CFR §1.17(p).

**RELATED CASES**

- ☐ Attached is a list of applicant's pending application(s) or issued patent(s) which may be related to the present application. A copy of the patent(s), together with a copy of the claims and drawings of the pending application(s) is attached along with PTO 1449.
- ☐ A check is attached in the amount required under 37 CFR §1.17(p).

**CERTIFICATION**

- ☒ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.

**DEPOSIT ACCOUNT**

- ☒ Please charge any additional fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit account number 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



**22850**

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 10/98)

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Gregory J. Maier  
Registration No. 25,599  
Attorney of Record  
Robert T. Pous  
Registration No. 29,099

**COPY**

Form PTO 1449  
(Modified)U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY DOCKET NO.  
219973US-3SERIAL NO.  
10/080,709

LIST OF REFERENCES CITED BY APPLICANT

APPLICANT

KATSUNARI OHSONO, ET AL.

RCE FILED

HEREWITH

GROUP

3641

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
	AM						
	AN						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES	NO
	AP	HE 4-357498	12/10/92	Japan (with English translation)	x	
	AQ					
	AR					
	AS					
	AT					
	AU					
	AV					
	AW					

## OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)

	AX	
	AY	
	AZ	
	AZ	

COPY

Examiner

Date Considered

\*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.